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7 FRANK ORLANDO WELLS,  
8 Plaintiff,

No. C 08-174 MHP (pr)

9  
10 v.  
11 SANTA CLARA COUNTY  
12 MEDICAL CENTER; et al.,  
13 Defendants.

**ORDER OF DISMISSAL**

14 On September 23, 2008, mail was sent to plaintiff at the county jail address he  
15 provided to the court and was returned undelivered on September 29, 2008, marked as :NIC,"  
16 which usually stands for an inmate being "not in custody." More than sixty days have passed  
17 since the mail was returned to the court undelivered. Plaintiff has failed to comply with  
18 Local Rule 3-11(a) which requires that a party proceeding pro se must "promptly file with the  
19 Court and serve upon all opposing parties a Notice of Change of Address specifying the new  
20 address" when his address changes. Local Rule 3-11(b) allows the court to dismiss a  
21 complaint without prejudice when mail directed to a pro se party is returned as not  
22 deliverable and the pro se party fails to send a current address within sixty days of the return  
23 of the undelivered mail. This action is dismissed without prejudice because plaintiff failed to  
24 keep the court informed of his address in compliance with Local Rule 3-11(a).

25 IT IS SO ORDERED.

26 Dated: April 15, 2010

  
27 Marilyn Hall Patel  
28 United States District Judge